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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

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**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
September 20, 2005**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Matt Johnson, County Attorney; Duane Harp and Dave Larson, Helena National Forest; Pat McKelvey, Tri-County Fire Working Group; Coleen Street, Terry Street, Greg Dahl, Bob Sims,

**CALENDAR REVIEW**

9/22 Meet with Governor - courtroom - 9:00  
Health Board - 6:30  
9/26 - 9/29 MACo Conference in Billings

**COMMISSION REPORTS**

**JLDC ANNUAL DINNER**

Commissioner Lythgoe reported that he attended the JLDC annual dinner, which was held in Basin. There were 72 people in attendance, and the JLDC outlined their plans for the coming year. Commissioner Weber noted that, as a Commission, they received a commendation for being a friend of economic development.

**CONCENTRATED EMPLOYMENT PROGRAM**

Commissioner Lythgoe reported that he took part in a conference call with the governor's staff regarding CEP. Problems have occurred due to it being run by a private, non-profit group. The Department of Labor will take the program over. There is a Commission board of advisors, and the conference call was made after the fact. There are some Commissioners who are pretty upset by the way it was handled, with no input from the Commissioners.

**MTAG**

Commissioner Lythgoe reported that the MTAG group met at the site for the Spring Creek business park. The mine has designated an area for the park, and also some residential. He stated that it is a nice piece of ground. An MTAG meeting followed, and the primary topic of discussion is the up-coming informational public meetings.

**JLDC MEETING**

Commissioner Lythgoe reported that he attended the JLDC meeting held on Monday; the September 20, 2005 minutes.wpd

meeting was held at the Free Enterprise Health Mine. They held an election of officers; Joe Calnan is President, Pat Lewis is Vice-President, and Ed Handl is Secretary/Treasurer. They discussed the south campus - there are some maintenance problems with the buildings that need to be taken care of by JLDC, such as the roof and boiler system. Pete Naegle, the new owner, has some ideas for expansion; he is looking at re-instituting the back-country program.

#### CLANCY CREEK

Commissioner Notbohm stated that he met with Dorothy Lake on Thursday. Ben is working on a turn-around spot, and he and Ben will be meeting with her this Thursday. She is favorable to the turn-around, and her fence will need to be moved.

#### RMDC

Commissioner Notbohm reported that he attended the RMDC meeting on Thursday. Their projects are doing well. The "high school house" has sold. There was a bit of discussion there regarding the Big Boulder Housing. Glenna Obie has been pushing for remodeling, and they are funding sources available. They would like the support of the Commission to seek CDBG funds. Commissioner Lythgoe requested that Commissioner Notbohm contact Gene Leuwer and get it on the agenda, as this is a worthwhile project.

#### SUBDIVISION REVIEW

##### FINAL PLAT APPROVAL - STREET MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report and recommended that final plat approval be granted. Commissioner Lythgoe moved to grant final plat approval. Commissioner Notbohm seconded. The motion carried.

#### ITEMS FOR COMMISSIONERS ACTION OR REVIEW

##### DISCUSS AND DECIDE ON FUNDING FOR TRI-COUNTY FIRE GROUP

Commissioner Lythgoe stated that he received an e-mail from Pat McKelvey regarding a request for funding, but with no dollar figures attached. Pat stated that he is here today for three reasons. As his e-mail states, Tri-Co Fire covers three areas: projects, administration and education. The group has been funded entirely by grants. He didn't put a dollar request into his e-mail because he feels this is a Commission-to-Commission decision. Currently, the entire program is funded by grants. Commissioner Lythgoe asked if Pat had any idea, off the top of his head, where the money has been spent. Pat stated that they have received a million dollars in grant monies, and with matches of 20%, 1.2 million. The money has been pretty much split fifty-fifty between Jefferson and Lewis and Clark Counties; there have only been a couple projects in Broadwater County. Commissioner Lythgoe asked about the prospects of the grant monies continuing. Pat stated that it comes in peaks and valleys; National Fire Plan grants through the DNRC are getting harder to get. Last year, there was only \$119,500 available for the entire state. Commissioner Lythgoe asked if these are for the interface or for larger projects. Pat stated that the emphasis is defensible space, then roadside, then out from there. He would rather protect 40 houses than 40 acres.

Commissioner Weber asked Pat if he has had this discussion with other counties. Pat stated that he has talked with Lewis and Clark County, but not as formally as today's meeting. His hope is to get Title III money, as the projects meet the requirements. Pat stated that he hopes to find a stable way to fund administrative costs, which would free more grant money. Commissioner Notbohm stated that probably what the Commission would need is more information on what we can do; it would be better to base it on what happened the previous year. Pat asked if this Commission has joint meetings with the Lewis and Clark County Commissioners. Commissioner Lythgoe stated that a joint meeting hasn't been held in a long time. He is very aware of the amount of money spent in Jefferson County year after year; we are certainly getting our fair share of the grant monies. We are part of the Tri-Co group, but we also have some interface problems on the north end. Lewis and Clark County is very aware that if the north end explodes, there will be a significant impact on Lewis and Clark County and the City of Helena. They are very supportive of Jefferson County getting money for projects. He stated that this Commission has advertised that Title III monies would be earmarked for Tri-Co, and he is prepared today to set an amount of money for Tri-Co administrative costs. This is an acceptable use of those funds, and would set an example for Lewis and Clark and Broadwater Counties. Commissioner Notbohm stated that Pat has a good idea to meet with Lewis and Clark County, and this is a good reason for that meeting.

Commissioner Lythgoe moved to utilize \$15,000 of Title III monies for administration of the Tri-County Fire Group. Commissioner Notbohm seconded for discussion. He stated that he is not opposed to commit to enter into this, but he would like a little more information on the money involved. Commissioner Lythgoe stated that when he goes to the Tri-Co meetings, he comes back and reports on the figures. He stated that he is well informed, and he thought he had informed the other Commissioners. Commissioner Notbohm stated that he is aware of what has been done, but it may be to Pat's advantage if they meet with Lewis and Clark County and discuss Pat's administrative costs, etc. Commissioner Lythgoe stated that he agrees with that, but feels that they can still set an amount at this meeting. Commissioner Weber stated that they could approve the money and also have another motion to set a meeting with the other counties. Commissioner Lythgoe stated that they could agree to that too, and noted that there are other issues that need to be dealt with as well. Commissioner Notbohm asked how much money is in the account, and if this would be an on-going commitment or if they would go year-to-year. Commissioner Lythgoe stated that he thinks a year-to-year commitment would be best. Commissioner Notbohm asked Pat how he feels about this. Pat stated that he thinks it is great. He can get figures for the Commission, as he has to file federal reports.

The motion carried. Commissioner Lythgoe stated that at some point, if grant monies become short, he hopes that the Commission would consider using PILT funds to help, as this is such an important program.

Commissioner Weber moved to put together a meeting with Lewis and Clark and Broadwater Counties and the City of Helena to discuss the Tri-County Fire fund. Commissioner Lythgoe seconded. The motion carried.

## SIGN TRI-COUNTY COMMUNITY REGIONAL WILDFIRE PROTECTION PLAN

Pat stated that the entities that need to sign this agreement are the Commission Chairs and the fire districts. This plan is something new, an attempt to bring local community plans together into a regional plan. Commissioner Weber moved to allow the Chair to sign the plan. Commissioner Notbohm seconded. The motion carried.

## BOB SIMS - FIRE PROTECTION FOR NON-DISTRICT AREAS IN THE COUNTY

Bob Sims stated that the current policy seems to be that dispatch calls the fire department closest to the fire. This means that he, who lives within a district, has to pay for fire protection for those outside of districts. He showed a map outlining fire districts in the county, which he got from the DES coordinator. He stated that he also got a map from the assessor, which is somewhat different; the Bull Mountain district is larger and Boulder Rural doesn't show up on the map. Bob stated that the person driving the truck has to decide if they are going to take fire district assets outside of their district. He stated that he asked Matt what the county policy is last spring, and Matt has been researching. Apparently, Jefferson County has no policy on how to respond to fires outside of a district. Bob asked how to solve this problem. The concept of having people outside of fire districts to get together and petition to be added is ludicrous. No one is going to petition to pay taxes for services they are currently getting free. The County needs to do something.

Matt stated that he has been talking to Bob for some time regarding this. Per statute, a fire district can choose not to respond out of their district. The maps don't show what is Forest Service or BLM, who have their own resources, but there are still many homes and ranches outside of any district. Looking at statute, there are a number of different options. The County can try to get people to petition to be annexed into an existing district. The County can form a rural fire service area and appoint a rural chief, but the burden would fall on the general fund with this option. The County can do a mill levy, but he questioned how to assess who is not in a fire district. He stated that there is no easy answer. The County could fund, but a better plan is to create a fire service area and research where they need to be, assess a special fee and contract with fire districts for coverage. Commissioner Weber asked if people who currently live in fire districts pay a uniform rate. Commissioner Lythgoe stated that it is not uniform, and depends on the district.

Bob asked if he can't find where the fire districts are, how is someone who wants to build a house to know that they need to be in a district. Pat stated that there is a fee structure per dwelling set on structure type. If someone living outside of the entity has a fire, the fire district can decide to go or not to go. With what has been happening with the insurance industry, they are getting calls all the time to see if a house is in a fire district. However, there is the ability to contract for services. Through the fire council, they have a mutual aid agreement for wildland fires.

Matt asked how other counties deal with this. Pat stated that Broadwater County is one big district. Lewis and Clark County formed a county district, and made it attractive to join the local district and get out of the county district. Commissioner Notbohm noted that Pat has been involved with fire for a long time, and asked what has been his experience with how things happen in Jefferson County. Pat stated that Jefferson County has come a long way in response

time and training. Commissioner Notbohm stated that it feels a bit like buyer beware. Commissioner Lythgoe stated that this is a problem they are going to have to deal with, and will have to set up a sub-committee to research. This will be put back on the agenda, and a sub-committee set up. They need to do something, but he is not sure what at this time. Pat stated that he thinks the strength is in the fire council. Commissioner Lythgoe stated that they may be able to form a committee out of the fire council; the problem is that they are volunteers and he hates to ask them for more time. Bob stated that they need to get the fire chiefs involved.

#### CANCEL MEETING OF SEPTEMBER 27<sup>TH</sup> DUE TO COMMISSION ATTENDANCE AT MACo CONFERENCE

Commissioner Lythgoe moved to cancel the meeting of September 27<sup>th</sup>, as they will all be in Billings. Commissioner Notbohm seconded. The motion carried.

#### DISCUSS AND DECIDE ON TAKING MOONLIGHT RIDGE PERFORMANCE BOND

Commissioner Lythgoe started by asked Greg Dahl, the developer a couple questions. He asked Greg if he has been in contact with DEQ, and if DEQ has come out to the site. Greg stated that he called DEQ after talking to Harold. He talked to Ann Harvey and she and Mary Schroder will be out the following week to review. Greg stated that after he got preliminary plat approval, he built the roads, then eight drainage structures in the subdivision, before going to DEQ for permits. DEQ required that eleven drainage structures be constructed. All are in place, with the exception of one tiny structure in a culvert. When the initial grading was done, this would have had to drain uphill; they have finished the grading, and it now drains downhill. Greg noted that they had a rainy spring, and all of the drainage worked as planned.

Commissioner Weber asked about the road issue. Greg stated that he believes that the road currently meets the requirements of the preliminary plat agreement. He has agreed to move it, even though it literally goes off of the plat. He has contacted his excavator to come as soon as possible, but he is currently working elsewhere. Greg stated that since this goes above and beyond the original agreement, that the bond not be contingent on this. Commissioner Lythgoe asked Ben for his input. Ben stated that there are two small issues that still need to be addressed. There is a little hump in the road and the approach is too big. The change of the road is a better option, but outside the scope of the preliminary plat approval.

Harold stated that he has corresponded with Ann and Mary at DEQ, and he should have their report in a few weeks. Commissioner Notbohm stated that his problem is, when they met regarding the water system, he wishes that Greg would have told them no then rather than now on the approach. Commissioner Notbohm state that when Greg told them he would move the approach, he figured that it was a done deal. Based on his word, that makes it now a requirement. Greg stated that in his and in his partner's opinions, when they finished the requirements of the preliminary play, the bond should be released. He is willing to sign an agreement that the other things, which are above and beyond, will be completed.

Commissioner Notbohm stated that this has been a learning experience for everyone. He would be hesitant to release all of the money at this time. Commissioner Lythgoe stated that Greg is so close to being done. Greg stated that his goal was to make this the best subdivision in the County. His commitment is to, at the end of the day, have everything done and finished the best

it can be. Commissioner Weber stated that the key is the end of the day; he wants to get to that day. The DEQ requirement is a must. He asked if anyone else can come in and finish the road. Commissioner Weber stated that he is impressed with the subdivision, noting that Greg went the extra mile on the water storage system. Greg stated that he will have the DEQ requirement completed by the next meeting. He wants to stick with his current contractor, as he does good work. The contractor will be finished with his other job in a week or so. Greg stated that it is a couple weeks away from his road being done.

Commissioner Notbohm stated that he heard there was a problem with the bill for the pressure test. Harold stated that he got a call from Stahly asking where they should send the bill. He told them that it is the responsibility of the developer. Greg had indicated that he would pay half, and wanted Montana City Fire to pay the other half, which Rick refused. Greg stated that he told Harold before this meeting that his next stop would be to pay this bill.

Commissioner Lythgoe stated that he is not prepared to call the bond today, and asked Greg when he could be done. Greg asked for 30 days. Commissioner Lythgoe stated that this will be put back on the October 18 agenda, and asked that Greg please have everything done. Greg stated that if he is not done by that time, he won't say a word about the bond.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Duane Harp with the Helena National Forest, stated that he wanted to get some information to the Commission before they meet with the Governor. Duane stated that the Governor has the option to petition the Forest Service to make changes to the roadless plan, or to leave things alone and stick with the 2000 rule. If he doesn't do anything, it will revert back to the 1986 plan. He stated that there will still be opportunities to work for changes. A more direct way for Commissions to be involved, the Helena National Forest is scheduled to start their plan revision in 2007. Commissioner Notbohm asked for a definition of "roadless", noting that in some areas designated roadless, there are a lot of roads. Duane stated that there are inventoried roadless areas, and under the 2000 plan they have different uses. Duane and the Commissioners reviewed maps that Duane brought in, one of which showed the spread of bug-killed trees over the last five years. Commissioner Weber asked Duane what he heard at the meeting between the Lewis and Clark Commissioners and the Governor. Duane stated that they have similar issues, and some would prefer to go back to the 1986 plan. Commissioner Weber stated that he would like that too. Duane stated that no matter what the Governor does, there will still be an opportunity for the Commissioners to petition during the forest plan revision.

#### **MEETING ADJOURNED**

#### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**